



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 28, 1998

Ms. Deesha K. Brown  
Assistant City Attorney  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-2325

Dear Ms. Brown:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118470.

The Dallas Police Department (the "department") received two open records requests from the same individual for certain records held by the department. You have characterized the requested documents as offense and arrest reports related to service numbers 344507-G and 373466-G. You have submitted to this office only records pertaining to the latter and contend that these records are excepted from required public disclosure pursuant to section 552.108 of the Government Code.<sup>1</sup>

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" You have informed us that the records at issue pertain to a pending criminal investigation and prosecution. Assuming such is still the case, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. You therefore may withhold most of the "Prosecution Report" at this time pursuant to section 552.108(a)(1).

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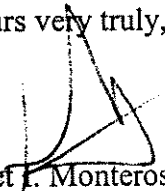
<sup>1</sup>The records you submitted to this office bear the incident number 0378466-G. Because you do not contend that the records pertaining to incident number 344507-G are excepted from public disclosure, we assume the department has released these documents to the requestor. If it has not, it must do so at this time.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the department must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Finally, we note that you have also submitted to this office a copy of the arrest warrant and affidavit. Because these records have been filed with the municipal court and are public information and they may not be withheld from the public pursuant to section 552.108. *See* Open Records Decision No. 287 (1981) ("law enforcement" exception not intended to protect information that would ordinarily be available to public if possessed by a different governmental unit). *Cf. Star-Telegram v. Walker*, 834 S.W.2d 54 (Tex. 1992) (information contained in public court records not protected by common-law privacy). The department must release this information the arrest warrant and affidavit.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet L. Monteros  
Assistant Attorney General  
Open Records Division

JIM/RWP/nc

Ref.: ID # 118470

Enclosures: Submitted documents

cc: Wilfrido Chavez  
2015 Bennett No. 103  
Dallas, Texas 75206  
(w/o enclosures)